

REMARKS

Claims 1-13, 15, 17, and 21-30 were pending. By this Amendment, Applicants have amended claims 1, 12, 17, 23, 24, 27, and 30; and cancelled claims 3, 4, 6, 7, 9-11, 28, and 29. The following claims are currently pending: 1, 2, 5, 8, 12, 13, 15, 17, 21-24, 26, 27, and 30. Reconsideration is respectfully requested.

The examiner rejected claim 11 under § 112, first paragraph. The examiner contends that it is not clear from the specification that there could be two different lamps. Applicant disagrees. As the examiner notes, it is states that it would be possible to have concentric rings “that do not form a single monolithic lamp unit.” As is generally understood, the term “monolithic” is often used to refer to a single unbroken unit, so saying that there can be concentric rings that do not form a single monolithic lamp unit suggests that there could be multiple spaced rings. In addition, Figure 4 shows spaced apart rings.

In addition, as indicated in the summary on Page 2, “the lamp can be in two or more parts with an inner ring or spiral and a separate outer ring or spiral, which may or may not be in the same horizontal plane as the inner ring” (emphasis added). This is cited as an alternative to what was previously stated, which is that the “lamp can have one or more turns lying in one plane parallel to the workpiece, or the lamp can have turns in different planes parallel to the workpiece.” In other words, the latter sentence (which comes earlier in the application) indicates that there could be a single lamp with turns in one plane or in multiple planes, or as an alternative, the lamp can have multiple parts.

Based on the disclosure identified by the examiner, and also this disclosure in the summary, it is contended that one of ordinary skill would understand that the device can have one or more lamp enclosures.

With respect to the claims rejected under § 112, second paragraph, a number of amendments are being made to address these issues, and it is believed that all of the issues have been addressed.

Of the claims that remain, claims 1, 2, 5, and 8 were rejected as being unpatentable over Yamada and Panico, U.S. Patent No. 4,495,040 and claims 13 and 27 further in view of Buazza; claims 12 and 26 were rejected as being unpatentable over Panico and Buazza; claims 21-22 were rejected as unpatentable over Rosenthal and Panico, with claims 23, 24, and 30 rejected further in view of Yamada.

Applicant contends that the subject matter of claim 1 would not have been obvious. Claim 1 as amended comprises a contoured reflector to provide light to the periphery of a DVD and not to the center. The examiner contends, without textual support, that one would have thought to do this from Yamada because otherwise it would waste energy.

This conclusory statement is the product of impermissible hindsight; namely, using applicant's disclosure as the basis for what now appears to be common sense. Previously, the examiner had cited a prior Panico patent for this proposition, but has now dropped reliance on that document. While all obviousness determinations have some hindsight, it should be based on teaching or suggestion in the prior art, and not on advantages found in the specification. Claim 1, as amended, should be allowed.

Independent claim 12 includes first and second lamps, and has been amended to state that the lamps can be separately energized. This addition is responsive to a suggestion from the examiner that such an addition would make the claim allowable. This suggestion is appreciated.

Independent claim 21 also relates to a pulse lamp system with a circular turn, but makes clear that the beginning and end of the turns are at an inner and outer radius that is spaced from a center, and further has a contoured reflector with connections to the lamp extending through the reflector. Such a structure is not shown or suggested in the cited references.

Regarding Buazza, applicant reiterates the position that a typical helical lamp would not have turns in planes parallel to a work piece, but would be angled, and secondly the central axis around which the helix is oriented is typically parallel to the plane of the work piece and not perpendicular.

Please charge any fee or credit any excess that may be due in connection with this matter to our deposit account No. 08-0219, and please consider this a request for any extension fee that may be due in connection with this matter.

Respectfully submitted,

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